



UNITED STATES PATENT AND TRADEMARK OFFICE

80

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,495	07/20/2000	Michael Kenneth Brown	19-26	3563

7590 03/25/2005

Joseph B. Ryan
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,495

Applicant(s)

BROWN ET AL.

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 1, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on October 8, 2004. Claims 1-7 and 9-20 are pending.

Claim Objections

2. Claims 1,18 and 19 objected to because of the following informalities: The phrase “designated component structure” on line 10 of the respective claims should be preceded by the word “a”, or the word “structure” should be made plural to “structures”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1,13,14 and 16-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. On line 5 of the respective claims, applicant states: “retrieve web content”. This limitation is unclear because it is not known from where the content is retrieved from. It is not known whether this web content is stored locally, remotely, etc. to the server for retrieval. The claim further states “retrieve ... augmentation files”. This limitation is

Art Unit: 2157

also unclear because applicant fails to clarify where this file is retrieved from, and whether it is from the same or different location as to where the web content is retrieved from.

5. Claims 1,13,14 and 16-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. On line 6 of the respective claims, applicant states: “file associated with at least one of the web content and the particular client type”. This limitation is unclear because it makes the augmentation file seem to be associated with *either* the web content or the client type. It also fails to clarify what type of association is involved. The limitation “associated with” is broad and will be interpreted to mean *stored with* the web content.

6. Claims 13 and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The “virtual device” as mentioned in lines 9-10 of the respective claims is unclear. The limitation “having a combination of a plurality of different sets of features provided by multiple distinct physical devices” is broad and will be broadly interpreted. The language makes it seem like a virtual device is nothing more than a device that can perform many features that separate physical devices can perform. If this examiner interpretation is what the applicant means then any computing device inherently has that functionality. Computing devices have the inherent ability to perform a combination of functions, like play audio and display images, that distinct physical devices, like a radio and TV respectively, can provide. However, if something else is intended by “virtual device”, then applicant is requested to particularly point out and distinctly claim what is meant.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-5,7,9,12-14 and 16-19 rejected under 35 U.S.C. 102(e) as being anticipated by McCauley et al. (U.S. Patent No. 6,626,958).**

9. In reference to claim 1,18 and 19, McCauley teaches an apparatus, a method, and a corresponding program comprising:

at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18),

to retrieve web content identified in the client request (column 5 lines 1-5),

to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 6 lines 1-30), and

to alter the retrieved web content in accordance with the one or more augmentation files, wherein altered web content is delivered to client device (column 6 lines 1-30),

wherein the server parses the retrieved web content into one or more component structures, subsequently applies a pattern matching process to recognize designated component structure subject to alteration in accordance with the one or more augmentation files (column 6 lines 25-50).

10. In reference to claim 2, McCauley teaches the apparatus of claim 1 wherein the client device comprises at least one of a computer, a personal digital assistant, a wireless telephone and a voice browser-equipped device (column 2 lines 1-20).
11. In reference to claim 3, McCauley teaches claim 1 wherein the web content is at least partially in either an HTML or XML format (column 5 lines 35-55 and column 6 lines 1-15).
12. In reference to claim 4, McCauley teaches the apparatus of claim 1 wherein the augmentation files are co-located with the web content at a site remote from the server (column 3 lines 39-53)
13. In reference to claim 5, McCauley teaches claim 1 wherein an augmentation file comprising a patch file (column 6 lines 1-30 and column 7 lines 20-40).
14. In reference to claim 7, McCauley teaches claim 1 above including the server system distinguishing between clients (Abstract). McCauley further teaches wherein the server determines the client type using at least one of an HTTP header element, a client-identifying cookie, and an HTTP GET request QUERY_STRING attribute (column 4 line 66 – column 5 line 5).
15. In reference to claim 9, McCauley teaches claim 1 wherein the pattern matching process utilizes a pattern matching expression comprising of context, pattern, precedence and replacement elements (Summary, column 6 lines 25-50 and column 8 lines 5-45).
16. In reference to claim 12, McCauley teaches claim 1 wherein the received client request is associated with a plurality of different client devices and the retrieved augmentation file(s)

Art Unit: 2157

comprise one or more files for each of the different client devices (column 3 lines 39-53, column 4 lines 20-50 and column 12 lines 44-60).

17. In reference to claim 13, McCauley teaches an apparatus for use in a computer network, the apparatus comprising:

at least one at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18),

to retrieve web content identified in the client request (column 5 lines 1-5),

to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 6 lines 1-30), and

to alter the retrieved web content in accordance with the one or more augmentation files, wherein altered web content is delivered to client device (column 6 lines 1-30),

wherein the client device comprises a virtual client device having a combination of a plurality of different features provided by multiple distinct physical devices (column 2 lines 1-20 and column 4 lines 20-32, McCauley teaches client devices with various features. This is an inherent feature of computing devices which can perform many functions of distinct physical devices).

18. In reference to claim 14, McCauley teaches an apparatus for use in a computer network, the apparatus comprising:

at least one at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18),

to retrieve web content identified in the client request (column 5 lines 1-5),
to retrieve one or more augmentation files associated with at least one of the web content
and the particular client type (column 6 lines 1-30), and
to alter the retrieved web content in accordance with the one or more augmentation files,
wherein altered web content is delivered to client device (column 6 lines 1-30),
wherein the server processes the client request such that the request appears to originate
from a virtual client device having a combination of a plurality of different features provided by
multiple distinct physical devices (column 2 lines 1-20 and column 4 lines 20-32, McCauley
teaches client devices with various features. This is an inherent feature of computing devices
which can perform many functions of distinct physical devices).

19. In reference to claims 16 and 17, McCauley teaches an apparatus for use in a computer
network, the apparatus comprising:

at least one at least one server within a network, the server being operative to process a
client request generated by a client device to determine a particular client type associated with
the client device (column 5 lines 5-18),
to retrieve web content identified in the client request (column 5 lines 1-5),
to retrieve one or more augmentation files associated with at least one of the web content
and the particular client type (column 6 lines 1-30), and
to alter the retrieved web content in accordance with the one or more augmentation files,
wherein altered web content is delivered to client device (column 6 lines 1-30),
wherein at least one of the augmentation files comprise a default augmentation file stored
on the at least one server (column 6 lines 1-40 and column 7 lines 20-40, McCauley inherently

Art Unit: 2157

teaches the augmentation file as a default file. McCauley states that page renders are configured to respective information pages).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claims 6,15 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley et al. (U.S. Patent No. 6,626,958) in view of Tso et al. (U.S. Patent No. 6,421,733).**

22. In reference to claims 6 and 15, McCauley teaches claims 1 and 14 above, which includes an information server system responding to client requests for content (Summary). McCauley fails to explicitly teach wherein the server comprises a web proxy server configured between a device associated with the client and another server which provides the content identified in the client request. However, Tso teaches dynamically transcoding Internet content to conform to different client types (Summary). Tso discloses a transcoding web proxy server between a client and an Internet server identified in the client request (column 3 lines 17-45 and figure 3 #34).

It would have been obvious for one of ordinary skill in the art to modify McCauley by making the server system an intermediary proxy server which renders content between a client and the Internet as per the teachings of Tso so to dynamically transcode Internet content to conform to different client types.

23. In reference to claim 20, McCauley teaches processing system comprising:

at least one at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18),

to retrieve web content identified in the client request (column 5 lines 1-5),

to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 6 lines 1-30), and

to alter the retrieved web content in accordance with the one or more augmentation files, wherein altered web content is delivered to client device (column 6 lines 1-30),

wherein the server parses the retrieved web content into one or more component structures, subsequently applies a pattern matching process to recognize designated component structure subject to alteration in accordance with the one or more augmentation files (column 6 lines 25-50).

McCauley fails to explicitly teach wherein the server comprises an interpolating proxy server coupled to the web server to process a client request. However, Tso teaches dynamically transcoding Internet content to conform to different client types (Summary). Tso discloses a transcoding web proxy server between a client and an Internet server identified in the client request (column 3 lines 17-45 and figure 3 #34).

It would have been obvious for one of ordinary skill in the art to modify McCauley by making the server system an intermediary interpolating proxy server which renders content

Art Unit: 2157

between a client and the Internet as per the teachings of Tso so to dynamically transcode Internet content to conform to different client types.

24. Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley et al. (U.S. Patent No. 6,626,958) in view of Li et al. (U.S. Patent No. 6,345,279).

McCauley teaches claim 9 above. McCauley does not explicitly teach wherein the context element contains instructions of the form pattern:replacement and the precedence element specifies an order of application of the instructions associated with context element. However, Li teaches context elements with instructions for specifying a replacement mechanism to be implemented upon content items. The replacement mechanism of Li is in the form of an InfoPyramid structure in which multiple representations of an item are organized so that an order of application can be applied to content items for transcoding (column 4 line 50 – column 5 line 62).

It would have been obvious for one of ordinary skill in the art to modify McCauley wherein the context element contains instructions of the form pattern:replacement and the precedence element specifies an order of application of the instructions associated with context element as per the teachings of Li

Response to Amendment

25. The examiner acknowledges the amendment filed on October 8, 2004.

Response to Arguments

26. Applicant's arguments with respect to claims 1-20 have been considered.
27. Applicants remarks regarding the claims are not persuasive. However, new 112 second paragraph rejections are raised and therefore a new Non-Final action is issued.
28. Applicant argues that McCauley teaches away from pattern matching. However, pattern matching" is broadly interpreted by the examiner to mean searching web content for subsequent modification. McCauley teaches selecting an appropriate renderer to subsequently render page components. Selecting, inherently means matching and identifying because something cannot be selected without it being identified. The limitation is broadly interpreted because the claims fail to further explain the details of pattern matching.

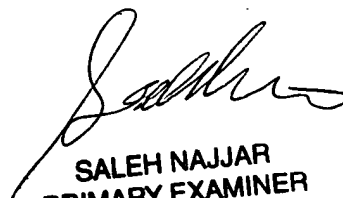
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
March 18, 2005



SALEH NAJJAR
PRIMARY EXAMINER